

**Public Hearings and Possible Actions  
CITY OF AUSTIN**

**AGENDA**

**DATE: 4/20/2006**

#82

**RECOMMENDATION FOR  
COUNCIL ACTION**

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**Subject:** Conduct a public hearing and consider an ordinance amending Section 25-2-332 of the City Code relating to conditional overlays and mixed use combining districts. (Recommended by Planning Commission).

**Requesting Department: NPZD**

## **ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C2O-06-006

**Description:**

Conduct a public hearing and consider an ordinance amending Section 25-2-332 of the City Code relating to conditional overlays and mixed use combining districts.

**Background:**

The amendment would allow a conditional overlay (CO) combining district to modify a mixed use (MU) combining district. The conditional overlay could prohibit or make conditional the list of uses permitted in a MU district which include, but are not limited to the following: (1) townhouse residential; (2) multi-family residential; (3) single-family residential; (4) single-family attached residential; (5) small lot single-family residential; (6) two-family residential; (7) duplex residential; and (8) group residential. This amendment would apply City wide, but would not apply to a particular property unless a zoning application is filed on the property.

**Departmental Comments:**

This amendment was requested by neighborhood representatives participating in the East Riverside/Oltorf Combined Neighborhood Planning area. The neighbors expressed a willingness to consider mixed use zoning, if there was a way to prohibit additional multifamily (apartments) in their neighborhood. On September 20, 2005, the Staff presented the amendment proposal to the Planning Commission's Standing Committee on Codes and Ordinances for their consideration as a Commission initiated amendment.

**Other Board and Commission Action:**

On Tuesday, February 14, 2006 the Planning Commission's Standing Committee on Codes and Ordinances voted 3-0 to recommend amendment.

**Staff Recommendation:**

Staff recommends the Code amendment.

**Planning Commission Action:**

**March 14, 2006:** To approve the Staff recommendation. [D.SULLIVAN, G.STEGEMAN 2<sup>ND</sup>]  
Vote: 8-0, J.M.CORTEZ - ABSENT

**City Council Date and Action:** April 20, 2006:

**Ordinance Readings:**                      1<sup>st</sup>    2<sup>nd</sup>    3<sup>rd</sup>

**Ordinance Number:** ...

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-2-332 OF THE CITY CODE  
RELATING TO CONDITIONAL OVERLAYS AND MIXED USE COMBINING  
DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-332(B) of the City Code is amended to read:

(B) A regulation imposed by a CO combining district may:

- (1) prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use;
- (2) for a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Section 25-2-646 of the City Code.
- (3) [(2)] decrease the number or average density of dwelling units that may be constructed on the property;
- (4) [(3)] increase minimum lot size or minimum lot width requirements;
- (5) [(4)] decrease maximum floor to area ratio;
- (6) [(5)] decrease maximum height;
- (7) [(6)] increase minimum yard and setback requirements;
- (8) [(7)] decrease maximum building or impervious coverage;
- (9) [(8)] restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts; or
- (10) [(9)] restrict any other specific site development regulation required or authorized by this title.

1 **PART 2.** This ordinance takes effect on \_\_\_\_\_, 2006.

2 **PASSED AND APPROVED**

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6 \_\_\_\_\_, 2006

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7 **Will Wynn**  
8 **Mayor**

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10  
11 **APPROVED:** \_\_\_\_\_

12 **David Allan Smith**  
13 **City Attorney**

14 **ATTEST:** \_\_\_\_\_

15 **Shirley A. Gentry**  
16 **City Clerk**

**Draft**

**§ 25-2-164 CONDITIONAL OVERLAY (CO) COMBINING DISTRICT PURPOSE.**

(A) The purpose of a conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site.

(B) A CO combining district may be used to:

- (1) promote compatibility between competing or potentially incompatible uses;
- (2) ease the transition from one base district to another;
- (3) address land uses or sites with special requirements; and
- (4) guide development in unique circumstances.

**Division 2. Conditional Overlay Combining Districts.**

**§ 25-2-331 CONDITIONAL OVERLAY (CO) COMBINING DISTRICTS GENERALLY.**

(A) A CO combining district may be combined with any base district.

(B) A restriction imposed by a CO combining district must be stated in the ordinance zoning or rezoning the property as a CO combining district.

(C) The director of the Neighborhood Planning and Zoning Department shall add the letters "CO" to the base district designation on the zoning map to identify property included in a CO combining district.

**§ 25-2-332 CONDITIONAL OVERLAY (CO) COMBINING DISTRICT REGULATIONS.**

(A) Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.

(B) A regulation imposed by a CO combining district may:

- (1) prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use;
- (2) decrease the number or average density of dwelling units that may be constructed on the property;

- (3) increase minimum lot size or minimum lot width requirements;
- (4) decrease maximum floor to area ratio;
- (5) decrease maximum height;
- (6) increase minimum yard and setback requirements;
- (7) decrease maximum building or impervious coverage;
- (8) restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts; or
- (9) restrict any other specific site development regulation required or authorized by this title.

**§ 25-2-172 MIXED USE (MU) COMBINING DISTRICT PURPOSE.**

The purpose of a mixed use (MU) combining district is to allow office, retail, commercial, and residential uses to be combined in a single development.

**§ 25-2-442 MIXED USE (MU) COMBINING DISTRICTS GENERALLY.**

(A) A mixed use (MU) combining district may be combined with the following base districts:

- (1) neighborhood office, if the use of an MU combining district will further the purpose of the neighborhood office base district;
- (2) limited office;
- (3) general office;
- (4) neighborhood commercial;
- (5) community commercial;
- (6) general commercial services; and
- (7) commercial liquor sales.

**§ 25-2-646 MIXED USE (MU) COMBINING DISTRICT PERMITTED USES.**

In a mixed use (MU) combining district, the following uses are permitted:

- (1) commercial uses that are permitted in the base district;
- (2) civic uses that are permitted in the base district;
- (3) townhouse residential;
- (4) multifamily residential;
- (5) single-family residential;
- (6) single-family attached residential;
- (7) small lot single-family residential;
- (8) two-family residential;
- (9) condominium residential;
- (10) duplex residential;
- (11) group residential;
- (12) group home, class I (limited);
- (13) group home, class I (general); and
- (14) group home, class II.

**§ 25-2-647 MIXED USE (MU) COMBINING DISTRICT REGULATIONS.**

(A) This section applies in a mixed use (MU) combining district.

(B) A single-family residential use must comply with the site development regulations prescribed by Section 25-2-492 (*Site Development Regulations*) for a family residence (SF-3) district, except for the front yard setback. The use must comply with the front yard setback prescribed for the base district.

(C) A single-family attached residential use must comply with Section 25-2-772 (*Single-Family Attached Residential Use*).

(D) A small lot single-family residential use must comply with Section 25-2-779 (*Small Lot Single-Family Residential Use*).

(E) A two-family residential use must comply with Section 25-2-774 (*Two-Family Residential Use*).

(F) A duplex residential use must comply with Section 25-2-773 (*Duplex Residential Use*).

(G) This subsection applies to a multifamily residential use, a townhouse residential use, a condominium residential use, a group residential use, or a group home use.

(1) In a mixed use (MU) combining district that is combined with a neighborhood office (NO) base district, the minimum site area for each dwelling unit is:

- (a) 3,600 square feet, for an efficiency dwelling unit;
- (b) 4,000 square feet, for a one bedroom dwelling unit; and
- (c) 4,400 square feet, for a dwelling unit with two or more bedrooms.

(2) In an MU combining district that is combined with an limited office (LO) or neighborhood commercial (LR) base district, the minimum site area for each dwelling unit is:

- (a) 1,600 square feet, for an efficiency dwelling unit;
- (b) 2,000 square feet, for a one bedroom dwelling unit; and
- (c) 2,400 square feet, for a dwelling unit with two or more bedrooms.

(3) In an MU combining district that is combined with a general office (GO), community commercial (GR), general commercial services (CS), or commercial services - liquor sales (CS-1) base district, the minimum site area for each dwelling unit is:

- (a) 800 square feet, for an efficiency dwelling unit;
- (b) 1,000 square feet, for a one bedroom dwelling unit; and
- (c) 1,200 square feet, for a dwelling unit with two or more bedrooms.





# City of Austin

# MEMO

## Neighborhood Housing and Community Development

P.O. Box 1088, Austin, TX 78767-1088

(512) 974-3100 • Fax (512) 974-3112 • [www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

**Paul Hilgers, Community Development Director**

(512) 974-3108, Fax: (512) 974-1063, [paul.hilgers@ci.austin.tx.us](mailto:paul.hilgers@ci.austin.tx.us)

*Use Hilgers  
for Paul Hilgers  
3/15/06*

**Date:** March 15, 2006

**To:** Greg Guernsey, Director, Neighborhood Planning and Zoning Department

**Subject:** Affordability Impact Statement – Conditional Overlay for Mixed-Use

The Planning Commission and City Council are considering an ordinance that would allow neighborhoods to recommend to the Planning Commission and City Council the prohibition of certain residential uses in mixed-use zoning districts.

This proposed ordinance could have a negative impact on housing affordability. Neighborhood planning teams, neighborhood associations, developers, and other interested parties could recommend that residential uses in mixed-use districts that provide greater levels of housing affordability such as small lot single-family residential, duplex residential, group residential, and multi-family residential be eliminated from future mixed-use zoning districts in a planning area. If the recommendations were adopted, this could reduce the amount of land available to build S.M.A.R.T. Housing™ without a zoning change, and would result in S.M.A.R.T. Housing™ builders paying a higher price for land that had the necessary zoning entitlements.

The final decision on any proposed overlay rests with the City Council.

Please let me know if you need additional information.

cc:  
Kelly Weiss  
Regina Copic

PH:RCxc  
Guernsey – mixed use dist's – 03\_15\_06/rc

## **STAFF REPORT**

**Conduct a public hearing and consider an ordinance amending Section 25-2-332 of the City Code relating to conditional overlays and mixed use combining districts (C20-06-006)**

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On Tuesday, February 14, 2006 the Planning Commission's Standing Committee on Codes and Ordinances voted 3-0 to recommend approval of the amendment.

The Planning Commission approved the amendment on March 14, 2006.